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(91)
8-13-02
SC

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL
ASSOCIATION, a non-profit
Corporation incorporated under the
laws of the Commonwealth of
Pennsylvania, CITIZENS FOR PLANNED
COMMUNITY GROWTH, an unincorporated
association organized under the
laws of the Commonwealth of
Pennsylvania, PAUL B. AMBROSE,
JOHN G. ENDERS, CHARLES F.
RAHAUSER, BETSY RAHAUSER, DOUGLAS
A. WARNOCK, U.X. VAGNERINI, THOMAS
W. BUNDY, STEPHEN P. BUCHER,
ROGER J. ROBERTSON, JAMES A.
STRITE, JR., DAVID A. GUTHRIE,
Plaintiffs,

v.

KEN WYKLE, Administrator, Federal
Highway Administration, ROBERT
GATZ, Federal Highway
Administration,
Defendants,

and

BRADLEY L. MALLORY, Secretary for
the Department of Transportation,
Commonwealth of Pennsylvania,
Intervenor

CIVIL ACTION NO.
1:CV-01-0910

(Judge Rambo)

FILED
HARRISBURG, PA
AUG 12 2002

MARY E. D'AMORE, CLERK
Per 9/18 Deputy Clerk

DEFENDANTS' AND INTERVENOR'S JOINT MOTION FOR
AUTHORIZATION UNDER LOCAL RULE 7.8 TO FILE A REPLY BRIEF
IN EXCESS OF FIFTEEN PAGES

Defendants Ken Wykle and Robert Gatz and intervenor Bradley L. Mallory, by and through their undersigned counsel, hereby move this Court for authorization under local rule 7.8 to file a reply brief in excess of fifteen pages and, in support thereof, state as follows:

1. This is a citizens' challenge to the decision of the Federal Highway Administration to construct a new interchange in the Chambersburg area.

2. On or about June 7, 2002, defendants and intervenor filed a joint motion for summary judgment together with statement of material facts and its supporting brief.

3. Due to the number of complex issues involved and the size of the administrative record in the present case, the joint brief in support of the motion for summary judgment was fifty (50) pages.

4. Plaintiffs filed an Answer in Opposition to Joint Motion for Summary Judgment that was forty-two (42) pages in length.

5. Presently, there is pending before this Court a motion to strike Plaintiffs' Answer in Opposition to Joint Motion for Summary Judgment for violating this Court's orders and local rules 5.1 and 7.8.

6. At the present time, defendants and intervenor must file their brief in reply to plaintiffs' answer in opposition on or before August 19, 2002.

6. Again, due the complexity of the issues raised and the size of the administrative record for the present case, defendants and intervenor request an additional ten pages for their reply brief, making the total number of pages allowed to be twenty-five (25).

WHEREFORE, defendants and intervenor respectfully request that this Court grant this motion authorization under local rule 7.8 to file a reply brief in excess of fifteen pages.

Respectfully submitted,

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Date: August 12, 2002

CERTIFICATE OF NON-CONCURRENCE

I, Kenda Jo M. Gardner, hereby certify that on August 12 2002 I spoke with Thomas A. Linzey, Esquire, counsel for plaintiffs. Mr. Linzey does not concur in this motion.



KENDA JO M. GARDNER
Assistant Counsel

Date: August 12, 2002

CERTIFICATE OF SERVICE

I, Kenda Jo M. Gardner, hereby certify that on this 12th day of August, 2002, I served a copy of the foregoing documents by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and placed said envelope and contents in the United States Mail at Harrisburg, Pennsylvania:

Thomas Alan Linzey, Esquire
Community Environmental Legal Defense Fund
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